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PATENT
Docket No.: **SU/V-31557A/CVA**
Cust. No. 001095

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, Washington, D.C. 20231.

Jennifer China
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Jennifer China
Signature

FEB 25 2003
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

EXAMINER:

MORGAN, ET AL.

W. MATTHEWS

APPLICATION NO: **09/915,773**

ART UNIT: **3738**

FILED: **JULY 26, 2001**

FOR: **ROLLABLE INTRAOCULAR LENS HAVING REDUCED THICKNESS**

Commissioner for Patents
Washington, D.C. 20231

February 25, 2003

PETITION TO WITHDRAW HOLDING OF ABANDONMENT PURSUANT TO 37 CFR §1.181(A)

Sir:

The Notice of Abandonment dated January 31, 2003 from Examiner W. Matthews of Art Unit 3738 has been received. Applicants hereby petition that the holding of abandonment be withdrawn because a timely response was filed to the previous Office Action.

The present application was held to be abandoned by the Examiner for failure to respond to the Office Action of July 2, 2002. However, Applicants timely filed a proper response to this Office Action on July 24, 2002. The Certificate of Mailing on these papers certifies that they were deposited with the United States Postal Service on July 24, 2002 with sufficient postage as first class mail in a properly addressed envelope. 37 CFR §1.8. A copy of the response is enclosed herewith.

Additionally, Applicants received the return postcard stamped by the PTO on July 30, 2002. The postcard indicated a mailing date of July 24, 2002 with the response. A

copy of this postcard is enclosed. This postcard serves as prima facie evidence of receipt by the PTO of all papers listed thereon. MPEP §503.

While Applicants note that the PTO did send Applicants a "Request for Substitute Papers" on August 8, 2002 having a time period of two weeks for reply, the Request clearly stated that it was not a notice under 37 CFR 1.251. While this Request was received in our Atlanta Office on August 15, 2002, the individual attorney responsible for this case did not receive this paper until after the two-week time period for reply had passed. Accordingly, it was decided to wait for the receipt of the 37 CFR 1.251 notice that would be issued, as indicated by the Request. Such a notice was either never issued by the PTO, or, if issued, was not received by the Applicants. In any event, to further certify that the enclosed copy of Applicants' July 24, 2002 response is a complete and accurate copy of the response filed on that date, Applicants have signed the "Request for Substitute Papers" with a statement to that effect.

As shown by the attached papers the Office Action dated July 2, 2002 was timely responded to by the Applicants. Therefore, Applicants submit that the holding of abandonment for failure to respond is improper and respectfully request that it be withdrawn and the response properly considered.

CONCLUSION

Should the Examiner believe that a discussion with Applicants' representative would further the prosecution of this application, the Examiner is respectfully invited to contact the undersigned. Please address all correspondence to Thomas Hoxie, Novartis Corporation, Patent and Trademark Department, 564 Morris Avenue, Summit, NJ 07901. The commissioner is hereby authorized to charge any other fees with may be required under 37 C.F.R. §1.16 and 1.17, or credit any overpayment, to Deposit Account No. 09-0134.

Respectfully submitted,



Robert J. Gorman, Jr.

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(678) 415.4389

Novartis Corporation
Patent and Trademark Department
564 Morris Avenue
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